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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,288	07/23/2001	Brian J. Berdan	114289-1640	2875

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EXAMINER

SMITH, JULIE KNECHT

ART UNIT	PAPER NUMBER
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3682

DATE MAILED: 08/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,288

Applicant(s)

BERDAN ET AL.

Examiner

Julie K Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: *Fig. 2*: receptacles 24 and 26, restriction 18, outer member 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4, 6, 16-17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sorenson (5,598,598).

Regarding claim 1-4, 16 and 19-20, Sorenson discloses an extensible handle, comprising a first elongated member (26), made of metal, having two ends, the first end positioned to engage a device to be operated, the first elongated member further comprising an expanded portion of increased width (110) and a narrow portion of reduced width (26) relative to the expanded portion (see fig 3). Sorenson further discloses a hollow second elongated member (54), made of metal, having two ends, the second elongated member positioned to receive the first elongated

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member, the second elongated member further including a restricting means (77, see fig. 5) having a width that is narrower than the width of the expanded portion of the first elongated member and restricts the expanded portion of the first elongated member from fully passing through both ends of the second elongated member.

Regarding claim 6 and 17, Sorenson discloses a first elongated member further including a locking means (110) for restricting movement of the first elongated member on an axis relative to the second elongated member.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sorenson as applied to claims 1-4, 6, 16-17 and 19-20 above, in view of Messier (5,433,127). Sorenson discloses an extensible handle as claimed, but does not disclose the handle activating a jack or dolly. However, Messier teaches the use of an extensible handle (8) wherein activation of the handle by a user activates a jacking device.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the extensible handle as claimed by Sorenson to activate a jacking device as taught by Messier so as to provide an extensible handle that can be extended or retracted without the removal or addition of parts.

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6. Claims 7-8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorenson as applied to claims 1-4, 6, 16-17 and 19-20 above, and further in view of Monahan et al. (6,158,089). Sorenson discloses an extensible handle as claimed, but does not disclose a locking means as disclosed by the Applicant. However, Monahan et al. teaches a first and second locking means comprising receptacles (20) sized and positioned to securely receive a pin (40) and prevent extension and retraction of the handle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Sorenson to have first and second locking means, as taught by Monahan et al. so as to provide an effective and secure way to prevent extension or retraction of the handle while in use.

7. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman (4,018,421) in view of Sorenson.

Regarding claims 9-11, Tallman discloses an apparatus for moving an item comprising a base (10), a supporting means (77) positioned above the base, an arm (71) having two ends, the arm positioned so that one end is pivotally related to the base, a lifting means (20), and a handle (21). Tallman does not disclose a handle as claimed by the Applicant.

However, Sorenson teaches an extensible handle, comprising a first elongated member (26), made of metal, having two ends, the first end positioned to engage a device to be operated, the first elongated member further comprising an expanded portion of increased width (110) and a narrow portion of reduced width (26) relative to the expanded portion (see fig 3). Sorenson

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further discloses a hollow second elongated member (54), made of metal, having two ends, the second elongated member positioned to receive the first elongated member, the second elongated member further including a restricting means (77, see fig. 5) having a width that is narrower than the width of the expanded portion of the first elongated member and restricts the expanded portion of the first elongated member from fully passing through both ends of the second elongated member.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the handle of Tallman with the extensible handle as taught by Sorenson so as to provide an extensible handle that can be extended or retracted without the removal or addition of parts.

Regarding claim 12, Tallman discloses an apparatus wherein activation of the handle by a user activates the lifting means, which in turn activates the arm and vertically moves the supporting means.

8. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tallman in view of Sorenson as applied to claims 9-12 above, and further in view of Monahan. Sorenson discloses an extensible handle as claimed, but does not disclose a locking means as disclosed by the Applicant. However, Monahan et al. teaches a first and second locking means comprising receptacles (20) sized and positioned to securely receive a pin (40) and prevent extension and retraction of the handle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the handle of Sorenson to have first and second locking means, as

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taught by Monahan et al. so as to provide an effective and secure way to prevent extension or retraction of the handle while in use.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6,089,545 to Norman et al.

2,671,636 to Olson

5,301,389 to Engel et al.

6,065,787 to Jarosch

5,908,214 to Dinardo

3,948,106 to Armbruster

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie K Smith whose telephone number is 703-305-3948. The examiner can normally be reached on Monday-Friday, 8-5:30, (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on 703-308-3668. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

JKS

jks

August 19, 2002

William C. Joyce 3682
William C. Joyce 8/20/02
Patent Examiner